APPENDIX A

BEFORE THE APPEAL TRIBUNAL
EMPLOYMENT SECURITY DEPARTMENT
STATE OF WASHINGTON

IN RE: Employees of Hansen Fruit and Cold Storage Company, *et al.*	**DECISION** (Shown on the attached DOCKET NUMBERS schedule)

Pursuant to notices to all interested parties, this matter came on regularly for hearing on the 15th day of November, the 5th day of December, 1960, and the 16th day of January, 1961, at Yakima, Washington, before William H. Dunham, Appeal Examiner.

APPEARANCES: Appellant *Hansen Fruit and Cold Storage Company, et al.*, by the Tree Fruits Labor Relations Committee, Incorporated through their attorneys, the firm of Velikanje and Moore (by Mr. Charles C. Countryman).

Claimant *Lydia Hadley, et al.*, represented by the Fruit and Vegetable Workers Union, Local 760, Yakima, Washington, through the firm of Bassett, Davies and Roberts, Attorneys-at-law (by Mr. Sam Bassett).

Employment Security Department, by Paul J. Murphy, Assistant Attorney General.

STATEMENT OF THE CASE: The individuals listed on the attached schedule of employers and claimants are claimants for benefits under the Employment Security Act. Each was issued one of two types of deter-

minations. One type denied benefits for a specific week or weeks on the basis that his or her unemployment was due to a stoppage of work which exists because of a labor dispute at the premises where he or she was last employed, and allowed benefits beginning with a specific week, on the basis that his or her unemployment was no longer due to a stoppage of work at the premises where he or she was last employed. The other type of determination issued held that the individual claimant's unemployment was not due to a stoppage of work at the premises where he or she was last employed, and benefits were allowed. From these allowance of benefits, the interested employers listed on the attached schedule filed timely Notices of Appeal.

FINDINGS OF FACT: Beginning August 29, 1960, and continuing through November 3, 1960, the various claimants listed on the attached schedule were called out on strike by the Fruit and Vegetable Workers Local No. 760 of Yakima. The dates that the individual stoppages of work occurred are as follows:

Hansen Fruit and Cold Storage Company of Yakima,
August 29, 1960

Washington Fruit and Produce Company of Yakima,
September 2, 1960

Nordberg Selah Fruit, Inc., of Yakima,
September 6, 1960

Perham Fruit Corporation (Grandview operation),
September 6, 1960

Perham Fruit Corporation (Zillah operation),
September 12, 1960

Perham Fruit Corporation (Yakima operation),
September 19, 1960

Prentice Packing & Cold Storage Co. of Yakima,
September 2, 1960

Yakima Fruit & Cold Storage of Yakima,
August 29, 1960

Highland Fruit Growers, Inc. of Yakima,
September 6, 1960

Stadelman Fruit, Incorporated (Zillah operation),
August 29, 1960

C. M. Holtzinger Fruit Co., Inc. (Yakima operation),
September 20, 1960

Stadelman Fruit, Incorporated (Yakima operation),
September 6, 1960

Richey and Gilbert Company of Yakima,
August 29, 1960

Larson Fruit Company (Selah operation),
September 2, 1960

Roche Fruit Company, Incorporated of Yakima,
August 31, 1960

J. M. Perry Ice & Storage Company of Yakima,
September 6, 1960

Williams Fruit Company of Yakima,
November 3, 1960

The appellants are all members of the Tree-Fruit Labor Relations Committee, an association of Yakima Valley employers who has for some 23 years negotiated with Local No. 760 of the Fruit and Vegetable Workers on their labor matters. The contract with Local No. 760 had expired May 15, 1960, prior to the beginning of this dispute.

On the dates indicated above, picket lines were established around the individual premises of the employers. Operations of the various packing houses immedi-

ately ceased or were severely curtailed for periods of one day to one week. Many of the plants continued to operate with employees who did not go out on strike, and others had stand-by crews which were called immediately. By the end of three days the majority of the plants were back in full operation. Picket lines were maintained, and were still in existence at the time of this hearing. All of the claimants involved went out on strike and refused to cross the picket lines. Benefits were denied the claimants by the Department for periods that operations were curtailed, and were allowed beginning with the resumption of full operations of the individual employer involved.

On occasions the warehouses were picketed 24 hours a day. The union had approximately 1,500 members available for picket duty. Those individuals engaged in picket duty served a four-hour shift one to six days a week, depending upon their desires. In addition to picket duty, there were picket captains, individuals performing baby-sitting duties for others who were on picket duty, people serving refreshments to pickets, and others assisting in office work connected with the strike.

Strike benefits were paid all individuals performing picket duty or duties related to the picketing operation by the union. For the first week of picket duty, no strike benefits were paid. Beginning with the second week of the dispute, benefits in the amount of $30.00 each week were payable to qualified people through the fourth week of the dispute. Beginning with the sixth week of the dispute, benefits were reduced to $25.00, and were maintained at that amount for an indefinite period. The

strike benefits were *donated* by the International Brotherhood of Teamsters and by the Western Conference of Teamsters, in order to help the strikers to meet the minimum economic needs during the period of the dispute. In order to qualify for strike benefits, an individual had to be available for some form of strike activity such as picketing or assistance to picketing.

There were many non-union packing houses, and a few union houses (number undetermined) that had not been struck at the time of the hearing. These plants continued to operate.

Conclusions: The only issue before this Tribunal is whether any of the claimants are to be disqualified under Section 77 of the Act (Labor Dispute Provision). Section 77 of the Act provides as follows: * * * (Discussion omitted)

DECISION: The determinations for the individual claimants under appeal, as set forth on the attached schedule of employers and claimants, are hereby affirmed; benefits are allowed, or denied in accordance with those determinations.

Dated at Olympia, Washington, this 27th day of February, 1961.

WILLIAM H. DUNHAM
Appeal Examiner

[Schedule of Employers and Claimants, Lydia Hadley, *et al.* (Omitted)]